

UNITED STATES Ington, DC SECURITIES AND EXCHANGE COMMISSION Washington, D.C. 20549

#### ANNUAL AUDITED REPORT FORM X-17A-5 PART III

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#### FACING PAGE

Information Required of Brokers and Dealers Pursuant to Section 17 of the Securities Exchange Act of 1934 and Rule 17a-5 Thereunder

REPORT FOR THE PERIOD BEGINNING	January 1, 2008 MM/DD/YY	AND ENDING D	ecember 31, 2008 MM/DD/YY
A. RE	GISTRANT IDENTIFICA	TION	
NAME OF BROKER-DEALER: Fusion Ar	nalytics Securities, LLC		OFFICIAL USE ONLY
ADDRESS OF PRINCIPAL PLACE OF BUSINESS: (Do not use P.O. Box No.)			
535 5th Avenue	Suite 61	2	
	(No and Street)		
New York,	New York		10017
(City)	(State)	(Z1)	p Code)
NAME AND TELEPHONE NUMBER OF F			ORT (212) 661-2022 Area Code – Telephone Number)
B. ACC	COUNTANT IDENTIFICA	ATION	
INDEPENDENT PUBLIC ACCOUNTANT	whose opinion is contained in t	his Report*	они почит чинович учество до до необрат в посто почително до
Breard & Associates, Inc. Certified Pu	blic Accountants		
	(Name - if individual, state last, first	t, mıddle name)	
9221 Corbin Avenue, Suite 170	Northridge	CA	91324
(Address)	(City)	(State)	(Zip Code)
CHECK ONE:			
☐ Certified Public Accountant			
☐ Public Accountant			
☐ Accountant not resident in Ur	ited States or any of its possess	ions.	
	FOR OFFICIAL USE ON	LY	

\*Claims for exemption from the requirement that the annual report be covered by the opinion of an independent public accountant must be supported by a statement of facts and circumstances relied on as the basis for the exemption. See Section 240.17a-5(e)(2)

Potential persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB control number.

SEC 1410 (06-02)

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#### OATH OR AFFIRMATION

1, Kevintane Michael Conts	, swear (or affirm) that, to the best of
my knowledge and belief the accompanying financial statement	nt and supporting schedules pertaining to the firm of
Fusion Analytics Securities, LLC	, as
of December 31, 2008	, are true and correct. I further swear (or affirm) that
neither the company nor any partner, proprietor, principal of	icer or director has any proprietary interest in any account
classified solely as that of a customer, except as follows:	
State of New York County of New York Subscribed and sworn to (or affirmed) before me on this 16 day of fibure, 20 09, by proved to me on the basis of satasfactory evidence to be the person(s) who appeared before me.	Signature  Member  Title
Notary Public  This report ** contains (check all applicable boxes):  (a) Facing Page.  (b) Statement of Financial Condition.  (c) Statement of Income (Loss)	EDWARD G. SAMSON NOTARY PUBLIC, State of New York No. 015A5080208 Qualified in New York County Commission Expires June 16, 20
<ul> <li>≅ (e) Statement of Changes in Stockholders' Equity or Part</li> <li>≅ (f) Statement of Changes in Liabilities Subordinated to C</li> <li>≅ (g) Computation of Net Capital.</li> <li>≅ (h) Computation for Determination of Reserve Requirem</li> <li>≅ (i) Information Relating to the Possession or Control Re</li> <li>□ (j) A Reconciliation, including appropriate explanation of Computation for Determination of the Reserve Requir</li> <li>□ (k) A Reconciliation between the audited and unaudited consolidation.</li> <li>⋈ (l) An Oath or Affirmation.</li> <li>□ (m) A copy of the SIPC Supplemental Report.</li> </ul>	Claims of Creditors.  ents Pursuant to Rule 15c3-3. quirements Under Rule 15c3-3. of the Computation of Net Capital Under Rule 15c3-3 and the

<sup>\*\*</sup>For conditions of confidential treatment of certain portions of this filing, see section 240.17a-5(e)(3).



#### Independent Auditor's Report

Board of Directors Fusion Analytics Securities, LLC:

We have audited the accompanying statement of financial condition of Fusion Analytics Securities, LLC (the Company), as of December 31, 2008, and the related statements of income, changes in member's equity, and cash flows for the year then ended that you are filing pursuant to rule 17a-5 under the Securities Exchange Act of 1934. These financial statements are the responsibility of the Company's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of Fusion Analytics Securities, LLC as of December 31, 2008, and the results of its operations and its cash flows for the year then ended in conformity with accounting principles generally accepted in the United States of America.

Our audit was conducted for the purpose of forming an opinion on the basic financial statements taken as a whole. The information contained in Schedules I, II, and III is presented for purposes of additional analysis and is not a required part of the basic financial statements, but is supplementary information required by rule 17a-5 under the Securities Exchange Act of 1934. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, is fairly stated in all material respects in relation to the basic financial statements taken as a whole.

Breard & Associates, Inc.

Certified Public Accountants

Bearl & Casociales, Inc.

Northridge, California February 27, 2009

#### Fusion Analytics Securities, LLC Statement of Financial Condition December 31, 2008

#### **Assets**

Cash Deposit with clearing organization Receivable from broker dealer Receivable from related party Prepaid expenses  Total assets	\$ 	2,422 59,062 76,716 238,143 9,863 386,206
Liabilities & Member's Equity		
Account payable & accrued expenses Commissions payable	\$	38,241 49,598
Total liabilities		87,839
Member's equity		298,367
Total member's equity		298,367
Total liabilities and member's equity	<u>\$</u>	386,206

## Fusion Analytics Securities, LLC Statement of Income For the Year Ended December 31, 2008

#### Revenues

Commissions Interest income		1,127,719 1,081
Total revenues		1,128,800
Expenses		
Employee compensation and benefits		482,026
Floor brokerage, exchange and clearance fees		187,318
Communication & data processing		13,433
Occupancy expense		38,964
Professional fees		35,728
Other operating expenses		106,762
Total expenses		864,231
Net income (loss) before income tax provision		264,569
Income tax provision		8,827
Net income (loss)	<u>\$</u>	255,742

#### Fusion Analytics Securities, LLC Statement of Changes in Member's Equity For the Year Ended December 31, 2008

	Member's <u>Equity</u>		
Balance at December 31, 2007	\$	106,260	
Capital distributions		(63,635)	
Net income (loss)		255,742	
Balance at December 31, 2008	<u>\$</u>	298,367	

## Fusion Analytics Securities, LLC Statement of Cash Flows For the Year Ended December 31, 2008

#### Cash flow from operating activities:

Net income (loss)			\$	255,742
Adjustments to reconcile net income (loss) to net cash provid	ed			
by (used in) operating activities:				
(Increase) decrease in assets:				
Deposit with clearing organization		(1,08)	1)	
Receivable from broker dealer		(20,53)	1)	
Receivable from related parties	(	210,263	3)	
Prepaid expenses	`	(9,863	,	
Increase (decrease) in liabilities:		. ,		
Account payable & accrued expenses		1,22	1	
Commissions payable		49,59	8	
Total adjustments				(190,919)
Net cash provided by (used in) operating activities			-	64,823
				•
Cash flows from investing activities:				_
Cash flows from financing activities:				
Capital distributions		<u>(63,635</u>	5)	
Net cash provided by (used in) financing activities				(63,635)
Net increase (decrease) in cash				1,188
Cash at the beginning of the year				1,234
Cash at the end of the year			\$	2,422
Cash at the end of the year			Ψ	2,722
Supplemental disclosure of cash flow information				
Cash paid during the year ended December 31, 2008				
Cash para adming and your disease seemed 51, 2000				
Income taxes	\$	_		
Interest	\$	_		

#### Fusion Analytics Securities, LLC Notes to Financial Statements December 31, 2008

#### **Note 1: GENERAL AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

#### General

Fusion Analytics Securities, LLC (the "Company") was originally organized as a California Limited Liability Company, under the name Index Securities, LLC. In June 2007, the Company converted into a Delaware Limited Liability Company. The Company currently operates within the state of New York, under a certificate of authority, where its home office exists. The Company is registered as a broker/dealer with the Securities and Exchange Commission ("SEC") and is a member of the Financial Industry Regulatory Authority ("FINRA"), and the Securities Investors Protection Corporation ("SIPC").

The Company provides brokerage and research services to institutional investors in corporate equity and debt securities. Commission income is derived primarily from retailing OTC corporate equity securities, selling corporate debt securities, and arranging for transactions in listed securities.

The Company does not hold customer funds or securities and conducts business on a fully disclosed basis, where by all transactions are cleared by another broker/dealer and, accordingly, is exempt from Rule 15c3-3 of the Securities and Exchange Commission under paragraph (k)(2)(ii).

The Company is a wholly—owned subsidiary of Fusion Investment Partners, LLC (the "Parent"), and is affiliated through common ownership to Fusion Analytics Research, LLC ("FAR").

#### Summary of Significant Accounting Policies

The presentation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

Commissions and related clearing expenses are recorded on a trade-date basis as securities transactions occur. Underwriting fees are recorded at the time the underwriting is completed and the income is reasonably determined.

The Company is treated as a disregarded entity for federal tax purposes, in accordance with single member limited liability company rules. All tax effects of the Company's income or loss are passed through to the member. Therefore, no provision or liability for Federal Income Taxes is included in these financial statements.

### Fusion Analytics Securities, LLC Notes to Financial Statements For the Year Ended December 31, 2008

#### Note 2: DEPOSITS WITH CLEARING ORGANIZATION

The Company has a brokerage agreement with Wedbush Morgan Securities ("Clearing Broker") to carry its account and the accounts of its customers as customers of the Clearing Broker. The Clearing Broker has custody of the Company's cash balances which serve as collateral for any amounts due to the Clearing Broker as well as collateral for securities sold short or securities purchased on margin. Interest is paid monthly on these cash deposits at the average overnight repurchase rate. The balance at December 31, 2008, includes interest earned for a deposit total of \$59,062.

#### **Note 3: INCOME TAXES**

As discussed in the Summary of Significant Accounting Policies (Note 1), the Company was organized as a Limited Liability Company, therefore no federal income tax provision is provided. All tax effects of the Company's income or loss are passed through to the member individually. However, the Company is subject to the New York City Unincorporated Business Tax ("UBT"). As of December 31, 2008 the Company accrued \$8,827 in UBT.

#### Note 4: RECEIVABLE FROM CLEARING ORGANIZATION

Pursuant to the clearing agreement, the Company introduces all of its securities transactions to clearing brokers on a fully disclosed basis. All of the customers' money balances and security positions are carried on the books of the clearing brokers. In accordance with the clearance agreement, the Company has agreed to indemnify the clearing brokers for losses, if any, which the clearing brokers may sustain from carrying securities transactions introduced by the Company. In accordance with industry practice and regulatory requirements, the Company and the clearing brokers monitor collateral on the customers' account. As of December 31, 2008, the receivables from clearing brokers of \$76,716 are pursuant to these clearance agreements.

#### **Note 5: RELATED PARTY TRANSACTIONS**

As discussed in the General and Summary of Significant Accounting Policies (Note 1), the Company is affiliated with FAR through common ownership. The Company has entered into an expense sharing agreement with the Parent and FAR effective October 2007. The terms of this agreement provide that all overhead expenses incurred are paid by the Parent and reimbursed by the Company. Overhead expenses, as defined by the agreement, shall include rent, accounting services, client research services, and various other operating costs incurred in the ordinary course of the business. During the year ended December 31, 2008, total rent expense allocated from the Parent was \$38,964. Had the Company paid its own overhead expenses, without the benefit of the affiliated entities, the difference in the results would be immaterial.

#### Fusion Analytics Securities, LLC Notes to Financial Statements December 31, 2008

### Note 5: <u>RELATED PARTY TRANSACTIONS</u> (Continued)

During the year ended December 31, 2008, the Company made various advances to the Parent. These advances are unsecured, non-interest bearing and due on demand. Total advances receivable from the Parent at December 31, 2008, was \$238,143.

#### Note 6: CONCENTRATIONS OF CREDIT RISK

The Company is engaged in various trading and brokerage activities in which counter-parties primarily include broker-dealers, banks, and other financial institutions. In the event counter-parties do not fulfill their obligations, the Company may be exposed to risk. The risk of default depends on the creditworthiness of the counter-party or issuer of the instrument. It is the Company's policy to review, as necessary, the credit standing of each counter-party.

#### Note 7: RECENTLY ISSUED ACCOUNTING STANDARDS

For the year ending December 31, 2008, various accounting pronouncements or interpretations by the Financial Accounting Standards Board were either newly issued or had effective implementation dates that would require their provisions to be reflected in the financial statements for the year then ended. The company has reviewed the following Financial Interpretation ("FIN") and Statements of Financial Accounting Standards ("SFAS") for the year to determine relevance to the Company's operations:

<b>Statement</b>	<u>Title</u>	<b>Effective Date</b>
<u>Number</u>		
FIN 48	Accounting for Uncertainty in Income Taxes - an	After 12/15/07
	Interpretation of FASB Statement No. 109	
SFAS 141(R)	Business Combinations	After 12/15/08
SFAS 157	Fair Value Measurements	After 12/15/07
SFAS 160	Noncontrolling Interests in Consolidated Financial	After 12/15/07
	Statements – an amendment of ARB No. 51	
SFAS 161	Disclosures about Derivative Instruments and	After 12/15/08
	Hedging Activities – an Amendment of FASB	
	Statement No. 133	

#### Fusion Analytics Securities, LLC Notes to Financial Statements December 31, 2008

### Note 7: <u>RECENTLY ISSUED ACCOUNTING STANDARDS</u> (Continued)

The Company has either evaluated or is currently evaluating the implications, if any, of each of these pronouncements and the possible impact they may have on the Company's financial statements. In most cases, management has determined that the pronouncement has either limited or no application to the company and, in all cases, implementation would not have a material impact on the financial statements taken as a whole.

#### Note 8: NET CAPITAL

The Company is subject to the Securities and Exchange Commission Uniform Net Capital Rule (SEC rule 15c3-1), which requires the maintenance of minimum net capital and requires that the ratio of aggregate indebtedness to net capital, both as defined, shall not exceed 15 to 1. Net capital and aggregate indebtedness change day to day, but on December 31, 2008, the Company had net capital of \$50,361 which was \$44,505 in excess of its required net capital of \$5,856; and the Company's ratio of aggregate indebtedness (\$87,839) to net capital was 1.74 to 1 which is less than the 15 to 1 maximum ratio allowed for a broker/dealer.

#### Note 9: RECONCILIATION OF AUDITED NET CAPITAL TO UNAUDITED FOCUS

There is a \$7,111 difference between the computation of net capital under net capital SEC Rule 15c3-1 and the corresponding unaudited FOCUS part IIA.

Net capital per unaudited schedule		\$	57,472
Adjustments:			
Member's equity	\$ (500)		
Non-allowable assets	(11,000)		
Haircuts and undue concentration	 4,389		
Total adjustments			(7,111)
Net capital per audited statements		<u>\$</u>	50,361

## Fusion Analytics Securities, LLC Schedule I - Computation of Net Capital Requirements Pursuant to Rule 15c3-1 As of December 31, 2008

#### Computation of net capital

Member's equity			\$	298,367
Less: Non-allowable assets Receivable from related parties Prepaid expenses Total non-allowable assets Net capital	\$	(238,143) (9,863)		(248,006) 50,361
Computation of net capital requirements				
Minimum net capital requirements 6 2/3 percent of net aggregate indebtedness Minimum dollar net capital required	\$ \$	5,856 5,000		
Net capital required (greater of above)	*	2,000		(5,856)
Excess net capital			<u>\$</u>	44,505
Percentage of aggregate indebtedness to net capital		1.74:1		

There was a \$7,111 difference in net capital computation shown here and the net capital computation shown on the Company's unaudited Form X-17A-5 report dated December 31, 2008. See Note 9.

# Fusion Analytics Securities, LLC Schedule II - Computation for Determination of Reserve Requirements Pursuant to Rule 15c3-3 As of December 31, 2008

A computation of reserve requirement is not applicable to Fusion Analytics Securities, LLC as the Company qualifies for exemption under Rule 15c3-3 (k)(2)(ii).

# Fusion Analytics Securities, LLC Schedule III - Information Relating to Possession or Control Requirements Under Rule 15c3-3 As of December 31, 2008

Information relating to possession or control requirements is not applicable to Fusion Analytics Securities, LLC as the Company qualifies for exemption under Rule 15c3-3 (k)(2)(ii).

Fusion Analytics Securities, LLC
Supplementary Accountant's Report
on Internal Accounting Control
Report Pursuant to 17a-5
For the Year Ended December 31, 2008



Board of Directors Fusion Analytics Securities, LLC:

In planning and performing our audit of the financial statements of Fusion Analytics Securities, LLC (the Company), as of and for the year ended December 31, 2008, in accordance with auditing standards generally accepted in the United States of America, we considered the Company's internal control over financial reporting (internal control) as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Company's internal control. Accordingly, we do not express an opinion on the effectiveness of the Company's internal control.

Also, as required by rule 17a-5(g)(1) of the Securities and Exchange Commission (SEC), we have made a study of the practices and procedures followed by the Company including consideration of control activities for safeguarding securities. This study included tests of such practices and procedures that we considered relevant to the objectives stated in rule 17a-5(g) in making the periodic computations of aggregate indebtedness (or aggregate debits) and net capital under rule 17a-3(a)(11) and for determining compliance with the exemptive provisions of rule 15c3-3. Because the Company does not carry securities accounts for customers or perform custodial functions relating to customer securities, we did not review the practices and procedures followed by the Company in any of the following:

- 1. Making quarterly securities examinations, counts, verifications, and comparisons and recordation of differences required by rule 17a-13
- 2. Complying with the requirements for prompt payment for securities under Section 8 of Federal Reserve Regulation T of the Board of Governors of the Federal Reserve System

The management of the Company is responsible for establishing and maintaining internal control and the practices and procedures referred to in the preceding paragraph. In fulfilling this responsibility, estimates and judgements by management are required to assess the expected benefits and related costs of controls and of the practices and procedures referred to in the preceding paragraph and to assess whether those practices and procedures can be expected to achieve the SEC's above-mentioned objectives. Two of the objectives of internal control and the practices and procedures are to provide management with reasonable but not absolute assurance that assets for which the Company has responsibility are safeguarded against loss from unauthorized use or disposition and that transactions are executed in accordance with management's authorization and recorded properly to permit the preparation of financial statements in conformity with generally accepted accounting principles. Rule 17a-5(g) lists additional objectives of the practices and procedures listed in the preceding paragraph.

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Because of inherent limitations in internal control and the practices and procedures referred to above, error or fraud may occur and not be detected. Also, projection of any evaluation of them to future periods is subject to the risk that they may become inadequate because of changes in conditions or that the effectiveness of their design and operation may deteriorate.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the entity's financial statements that is more than inconsequential will not be prevented or detected by the entity's internal control.

A *material weakness* is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the entity's financial statements that is more than inconsequential will not be prevented or detected by the entity's internal control.

Our consideration of internal control was for the limited purpose described in the first and second paragraphs and would not necessarily identify all deficiencies in internal control that might be material weaknesses. We did not identify any deficiencies in internal control and control activities for safeguarding securities that we consider to be material weaknesses, as defined above.

We understand that practices and procedures that accomplish the objectives referred to in the second paragraph of this report are considered by the SEC to be adequate for its purposes in accordance with the Securities Exchange Act of 1934 and related regulations, and that practices and procedures that do not accomplish such objectives in all material respects indicate a material inadequacy for such purposes. Based on this understanding and on our study, we believe that the Company's practices and procedures, as described in the second paragraph of this report, were adequate at December 31, 2008, to meet the SEC's objectives.

This report is intended solely for the information and use of the Board of Directors, management, the SEC, Financial Industry Regulatory Authority, and other regulatory agencies that rely on rule 17a-5(g) under the Securities Exchange Act of 1934 in their regulation of registered brokers and dealers, and is not intended to be and should not be used by anyone other than these specified parties.

Breard & Associates, Inc.

Certified Public Accountants

Northridge, California February 27, 2009 Fusion Analytics Securities, LLC

Report Pursuant to Rule 17a-5 (d)

**Financial Statements** 

For the Year Ended December 31, 2008